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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,462	09/29/2006	Gheorghe Sorin Stan	NL 040330	9390

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EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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10/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/599,462	STAN, GHEORGHE SORIN	
	Examiner	Art Unit	
	JORGE L. ORTIZ CRIADO	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/29/2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it should avoid using phrases which can be implied "The disclosure describes" etc. (i.e. "Also described is"). Correction is required.

See MPEP § 608.01(b).

Claim Objections

Claim 2 is objected to because of the following informalities: The text "focussing" as in claim 2, should be "focusing". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 8-9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, the text in parenthesis “(first or higher time-derivative)” renders the claim indefinite because it is unclear whether the limitations are part of the claimed invention. Claim 9 fall together.

In claim 10, it is not clear what the Applicant is trying to encompass with the text “vibration/acceleration”. The “/” make the scope of the claim unascertainable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kono EP 1154412.

As per claim 1, Kono discloses a method of writing information in a storage layer of a multi-layer optical storage medium comprising two or more storage layers, the method

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comprising: monitoring a focus condition of an optical write beam; inhibiting the writing process in case of an axial focus displacement event (as performed by focus monitor 16; [0026]; [0033]).

As per claim 2, Kono discloses a medium access device capable of writing information in a storage layer of a multi-layer optical storage medium comprising two or more storage layers; the medium access device comprising: light beam generating means for generating a write light beam; focussing means (8) for focussing the write light beam in a focal spot at a target storage layer; write inhibit means (16) for inhibiting a writing process in case of an axial focus displacement event (see [0026]; [0033]).

As per claim 3, Kono discloses further comprising a driver circuit (4) for driving the light beam generating means in accordance with a data signal representing data to be written, the driver circuit having a control input; wherein the write inhibit means (16) have an output coupled to said control input of the driver circuit, the write inhibit means being designed to generate a command signal for the driver circuit such as to effectively inhibit the driver circuit in case of an axial focus displacement event (see Fig. 2).

As per claim 4, Kono discloses wherein the write inhibit means (16) has at least one input for receiving at least one input signal capable of indicating an axial focus displacement (Fig. 5); the write inhibit means being designed to monitor at least one of its input signals and to inhibit the writing process if at least one of the input signals is indicative of the occurrence of an axial focus displacement event (see Fig. 2).

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As per claim 5, Kono discloses wherein the write inhibit means (16) has at least one input for receiving at least one input signal capable of indicating an axial focus displacement; the write inhibit means being designed to monitor at least two (Q1; Q2) of its input signals and to inhibit the writing process if at least two of the input signals are indicative in a correlated way of the occurrence of an axial focus displacement event (See Fig. 5).

As per claim 6, Kono discloses wherein the write inhibit means (16) has at least one input for receiving at least one input signal capable of indicating an axial focus displacement; the write inhibit means being designed to monitor an input signal, to calculate an axial focus displacement (Q) from the input signal, and to decide that the input signal is indicative of an axial focus displacement event if the calculated axial focus displacement exceeds a predetermined displacement threshold (Th1).

As per claim 7, Kono discloses wherein the write inhibit means has at least one input for receiving at least one input signal capable of indicating an axial focus displacement; the write inhibit means being designed to monitor an input signal, to monitor for the possible occurrence of a predefined characteristic (S signal) feature of the input signal, and to decide that the input signal is indicative of an axial focus displacement event if such characteristic feature occurs (See Figure 5).

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As per claim 11, Kono discloses further comprising at least one optical detector (7) for receiving light reflected from the storage medium; the write inhibit means (16) being designed to monitor at least one signal derived from at least one detector output signal (see Fig. 1).

As per claim 12, Kono discloses the write inhibit means (16) being designed to monitor at least a signal corresponding to the reflected central aperture signal obtained from a forward-sense diode of the sensor, or to monitor at least a signal corresponding to the focal error signal (S), or to monitor at least a signal corresponding to the focal error signal integrated with a predetermined time constant (see Fig. 5).

As per claim 13, Kono discloses capable of handling multi-layer optical discs, especially DVD-discs or BD discs.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kono EP 1154412 in view of Hayashi et al. US Patent Application Publication 20020101803.

Although Kono does not expressly at least one vibration/acceleration sensor and the write inhibit means being designed to monitor at least an output signal from the at least one vibration/acceleration sensor. It is well known in the art the use of such vibration sensors to monitor vibrations or disturbances in the optical system as to inhibit writing operations in response to such events, as evidenced by Hayashi et al. (see Fig. 1; #100).

It would have been obvious to one of an ordinary skill in the art to provide a vibration sensor to monitor the same in order to avoid error in the writing operations by interrupting the writing in response to an event of shocks etc. as taught by Hayashi et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JORGE L. ORTIZ CRIADO whose telephone number is (571)272-7624. The examiner can normally be reached on Mon.-Fri 10:00 am- 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jorge L Ortiz-Criado/
Primary Examiner, Art Unit 2627